

REMARKS

The present invention relates to a built-in lamp which is mounted in an installation surface 1, such as a ceiling. There are two different embodiments of this built-in lamp. The first is illustrated in FIGS. 1-3, whereas the second embodiment is illustrated in FIGS. 4-6.

In the first embodiment of the invention, i.e. FIGS. 1-3 and claim 41, an additional light discharge region 5, 12, 13 extends around an outer perimeter of the reflector 8 such that the additional light discharge region 5, 12, 13 surrounds the reflector 8. In doing so, the reflection element 6 is illuminated by a portion of the light which, after reflection from the reflector 11, impinges upon the reflection element 6. After the light impinges upon the reflection element 6, it is reflected directly back onto the reflection surface thereby illuminating the surface surrounding the reflection element 6.

The second embodiment of the invention, i.e. FIGS. 4-6, also includes a reflection element 15 which is spaced outwardly from the installation surface 1. The second embodiment of the invention, however, differs from the first embodiment in that the reflector 8 is either transparent or translucent in the region of the reflector 8 extending between the installation surface and the reflection element 15. Consequently, light from the light source passes directly through this region of the reflector 8 and impinges upon the reflection element 15. After the impingement of the reflection element 15, the reflected light is reflected directly onto the installation surface surrounding the reflector 8 thereby illuminating the installation surface 1. Claim 21 and its dependent claims are directed to this second embodiment of the invention.

One common thread between both embodiments of the invention, and all of the claims in this application, is that the reflection element 6 or 15 reflects light directly back onto the

installation surface thereby illuminating the installation surface. This in turn provides an illumination effect from the installation surface surrounding the lamp.

The Patent Examiner, however, has rejected claims 21 and 41, i.e. the two independent claims in this application, as anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 7,118,253 to Simon. It is, of course, rudimentary that for a prior art reference to anticipate a claim, the prior art reference must show each and every claimed element set forth in the patent claims. The absence of even one such element renders the rejection of a claim under 35 U.S.C. §102(e) improper. With this in mind, Applicant respectfully submits that the Patent Examiner has simply misread and misapplied the Simon patent.

More specifically, both claims 21 and 41 define the built-in lamp of the present invention as having a holder for fastening in an installation surface. This, of course, is the essence of a built-in lamp, i.e. that it is at least partially recessed into the installation surface.

For example, as illustrated in FIG. 1, the installation surface 1, typically a ceiling, is illustrated and the lamp is recessed into that installation surface. The same is also true for the second embodiment of the invention; see FIGS. 4-6. That is what “in an installation surface” means.

The Patent Examiner, however, in paragraph 2 of the October 28, 2009, Office Action has indicated in part that “Simon discloses a built-in lamp having a holder (portion shown in Figure 5 above DR) for fastening in an installation surface (DR) ...”. However, contrary to what the Patent Examiner has indicated, element DR in Simon does not constitute an installation surface at all. Rather, element DR constitutes a disk having various pie-shaped sections of different reflective pattern configurations; see column 3, lines 25-28. Indeed, column 1, lines 34-

36 makes it clear that Simon discloses a lamp that is suspended from the ceiling, not recessed or built into it.

Consequently, contrary to that asserted by the Patent Examiner, the disk DR not only does not constitute an installation surface but is suspended below the installation surface; otherwise, it would not work. Since the disk DR is suspended below the installation surface, and the light or lamp is clearly positioned below the disk DR (see FIGS. 1A and 1B), the Simon patent clearly fails to show a built-in lamp having a holder for fastening in an installation surface as claimed in both claims 21 and 41.

Similarly, both claims 21 and 41 clearly define the reflector with its main direction of illumination (A) and the reflection element 6 or 15 which extends transversely to the main direction of illumination A and in which the reflection element 6 or 15 is arranged outside of the reflector. The Simon patent, however, simply fails to disclose any structure which even remotely corresponds to these claim elements.

More specifically, the Patent Examiner has identified the element ORL as the “reflector” even though Simon refers to this element as a collimating ring lens which, as shown in FIG. 1A, merely allows the light to pass from the lamp, through the lens ORL and against the disk DR. Consequently, it is unclear what element in the Simon patent corresponds to the main direction of illumination A set forth in the claims of the instant application. However, it is clear that the Simon patent does not include a reflection element 6 or 15 which extends transversely to this main direction A. The indirect reflector IR clearly does not extend transversely with respect to any such “main direction” as is clearly defined in the patent claims.

Furthermore, Applicant’s invention as claimed differs from the Simon patent in that the reflector disk DR of Simon is more or less specularly reflecting as indicated by the arrows in

FIG. 5 as well as other figures, and also described in the patent specification in column 1, line 34. Consequently, the illuminant would be visible to an observer. In contrast, due to the indirect illumination via the ceiling in the instant application, the illuminant 4 is no longer visible from a specific angle of observation of a built-in lamp shown and thus cannot develop any glare effect; see page 13, paragraph [0045] in the instant specification.

For the foregoing reasons, it is clear that the Simon patent clearly fails to disclose each and every claim element of claims 21 and 41. This is crystal clear since the Simon patent does not disclose a built-in lamp at all, but rather a lamp that is merely suspended below a ceiling; see column 1, lines 34-36. Therefore, Applicant respectfully submits that the Patent Examiner's rejection of claims 21 and 41 as anticipated by the Simon patent is improper and should be withdrawn. Instead, Applicant respectfully submits that claims 21 and 41 patentably define Applicant's invention over the Simon patent and are, therefore, allowable. All remaining claims in this application depend from claim 21 and are, therefore, also allowable.

The Patent Examiner's minor objections to claims 27, 28 and 31 have been duly noted and corrected by this amendment.

In view of the foregoing, Applicant respectfully submits that this application is in condition for formal allowance and such action is respectfully solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully submitted,

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